

REMARKS

In an Advisory Action dated September 29, 2006, the Examiner maintained the final rejection of Claims 1, 5-10, 13, and 17-21, including independent Claims 1, 9, 13, and 21, under 35 USC §102(e) as being anticipated by USPN 6,728,768, Carney ("Carney") for the same reasons that the Examiner set forth in the final Office Action. The Examiner also maintained the final rejection of dependent Claims 2-4, 11-12, and 14-16 under 35 USC §103(a) as being unpatentable over Carney in view of USPN 6,766,361, Venigalla ("Venigalla") for the same reasons that the Examiner set forth in the final Office Action, and clarified that dependent Claims 22-23 also were rejected for the same reasons as given for dependent Claims 2 and 3. Accordingly, all pending Claims 1-23 stand finally rejected.

Applicant thanks the Examiner for considering the arguments presented in the response to the final Office Action. In this response to the Advisory Action, Applicant again respectfully traverses the rejections and requests continued examination under 37 CFR §114 and reconsideration of Claims 1-23 in view of amendments to the claims and additional arguments as set forth in detail as follows.

Rejection of Claims 1, 5-10, 13, and 17-21 under 35 USC §102(e) over Carney

As explained by the Examiner in the Advisory Action, the Examiner now appears to be equating the objects that comprise a network device's Managed Information Base ("MIB"), such as a printer's local MIB containing descriptions of dynamic job information that changes all the time (depending on what jobs are printing or awaiting printing) is the

same as a file that defines a protocol as recited in independent Claims 1, 9, 13, and 21.

Applicant disagrees. The objects in the MIB contain nothing more than transitory device-specific information, such as print job information, and disclose nothing related to a file that defines a protocol. In further support of the rejection, the Examiner points to the disclosure in Carney that the objects in the MIB are often divided into groups of related objects, such as by protocol, e.g., IP, TCP, UDP, and SNMP. Applicant submits that whether the objects in the MIB are divided into groups based on the protocol associated with the object is irrelevant; just because the objects are categorized by an associated protocol, it does not follow that they *define* a protocol, as recited in the claims.

In an effort to advance the prosecution of this application, Applicant has clarified the language of independent Claims 1, 9, 13, and 21, to recite a network traffic generation and analysis tool to process network traffic. Applicant has further clarified that the network traffic generation and analysis tool is configured to process network traffic in accordance with the protocol runtime specification that is built based on information obtained from the queried file that defines the protocol. Nothing in Carney teaches or suggests that a protocol runtime specification is being built such that a network traffic generation and analysis tool may process network traffic in accordance with the protocol runtime specification. Applicant submits that the disclosure in Carney of techniques for improving the GetNext processing of the SNMP protocol is simply not pertinent to the claimed invention.

For at least these reasons, Applicant believes that independent Claims 1, 9, 13, and 21 are clearly and patentably distinguishable over Carney. Claims 5-8, 10, and 17-

20 are allowable because they depend from allowable independent Claims 1, 9 and 13, and because of their additional limitations. Accordingly, reconsideration and allowance of Claims 1, 5-8, 9, 13, 17-20, and 21 is respectfully requested.

Rejection of Claims 2-4, 11-12, 14-16, and 22-23 under 35 USC §103(a) over Carney in view of Venigalla

The Examiner argues in the Advisory Action that the teachings of Venigalla and Carney are combinable because they are both related to implementing computer to computer protocols, and are therefore analogous and within the same field of endeavor. Applicant disagrees. Carney is directed to techniques for improving GetNext processing in the SNMP protocol. Venigalla is directed to an e-commerce interface that uses the extensible markup language (XML) to facilitate the exchange of information related to the availability of goods and services. Any commonality associated with implementing computer to computer protocols is tenuous at best, and does not support the Examiner's conclusion that the references are analogous and within the same field of endeavor. Accordingly, Applicant maintains the position that Carney and Venigalla fail to provide the motivation to combine their teachings, either implicitly or explicitly.

Applicant further submits that dependent claims 2-4, 11-12, 14-16, and 22-23 are distinguishable over the applied references to Carney and Venigalla for at least the same reasons as given for independent Claims 1, 9, and 13, from which they depend. Accordingly, reconsideration and allowance of Claims 2-4, 11-12, 14-16, and 22-23 is respectfully requested.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims **1-23** are in condition for allowance and such action is earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

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